

**FINNEGAN, HENDERSON, FARABOW
GARRETT & DUNNER, LLP**
901 New York Avenue, N.W.
Washington, DC 20001

*Attorneys for Plaintiff
Eli Lilly and Company*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ELI LILLY AND COMPANY,)	
)	
Plaintiff,)	
)	
v.	)	Civil Action No. 07-3770
	)	(DMC)(JAD)
ACTAVIS ELIZABETH LLC,	)	DECLARATION OF JENNIFER
GLENMARK PHARMACEUTICALS	)	S. SWAN IN SUPPORT ELI
INC., USA, SUN PHARMACEUTICAL	)	LILLY AND COMPANY'S
INDUSTRIES LIMITED, SANDOZ INC.,	)	MOTION FOR (1) DEFERRAL
MYLAN PHARMACEUTICALS INC.,	)	OF ENTRY OF JUDGMENT OR
APOTEX INC., AUROBINDO PHARMA	)	FOR AN ORDER TO SHOW
LTD., TEVA PHARMACEUTICALS	)	CAUSE WITH TEMPORARY
USA, INC., SYNTHON LABORATORIES,	)	RESTRAINTS AND (2) A
INC., ZYDUS PHARMACEUTICALS,	)	TEMPORARY INJUNCTION
USA, INC.,)	
)	
Defendants.)	
)	

I, Jennifer S. Swan, declare, under penalty of perjury, as follows:

1. I am an attorney for Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, attorneys for Plaintiff Eli Lilly and Company (“Lilly”) in this action, and an attorney admitted to practice before this Court. I am thoroughly familiar with the facts and circumstances of this action. I make this Declaration in support of Lilly’s Memorandum of Law in Support of Eli Lilly and Company’s Motion for (1) Deferral of Entry of Judgment or for an Order to Show Cause with Temporary Restraints and (2) a Temporary Injunction.

2. Attached hereto as Exhibit 1 is a true and correct copy of *Sanofi-Aventis U.S. LLC v. Sandoz, Inc.*, Nos. 2009-1427,-1444, slip op. (Fed. Cir. Aug. 13, 2009).

3. Attached hereto as Exhibit 2 is a true and accurate copy of a letter from Chad A. Landmon, attorney for Actavis Elizabeth LLC, to John F. Brenner and Laura P. Masurovsky, attorneys for Lilly, dated June 10, 2010.

4. Attached hereto as Exhibit 3 is a true and accurate copy of a letter from Huiya Wu, attorney for Teva Pharmaceuticals USA, Inc., to Laura Masurovsky, attorney for Lilly, dated August 12, 2010.

I declare under penalty of perjury that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Dated: August 13, 2010



Jennifer S. Swan
Attorney for Plaintiff
Eli Lilly and Company